

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JAMES W. MYART, JR.,

Plaintiff pro se,

v.

BAPTIST HOSPITAL SYSTEM, ET AL.,

Defendants.

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Case No. 5:19-cv-702

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, the City of San Antonio, Defendant in the above styled and numbered cause and by and through its attorney of record, and files this *Notice of Removal*. Defendant will respectfully show unto the Court the following:

1. On or about June 7, 2019 Plaintiff James W. Myart Jr., filed his *First Amended Original Petition* in the 45th Judicial District, Bexar County, Texas. Said *Petition* named the City of San Antonio as a Defendant in the suit. **Ex. A.** Plaintiff's suit alleges theories of recover in accordance with 42 U.S.C. §1983 for violation of his rights in under the Fourth and Fourteenth Amendments to the U.S. Constitution. **Ex. A.**
2. Pursuant to 28 U.S.C. §1446(a), attached to this *Notice of Removal* are copies of all pleadings naming Defendant. **Ex. A**
3. This *Notice of Removal* is timely under 28 U.S.C. § 1446(b) because the removal is filed within thirty (30) days after Defendants first received a copy of a document from which it could first be ascertained that the case is one which is or has become removable.

4. All parties currently served have consented to this removal by and through their attorney of record. **Ex. B.**

5. The claims asserted against Defendants are civil actions in which this court has original jurisdiction under the provisions of 28 U.S.C. § 1331 and 28 U.S.C. § 1441(b). Plaintiff has asserted a cause of action arising under the U.S. Constitution.

6. Venue is proper in this district under 28 U.S.C. §1446(a) because Bexar County, where the removed action has been pending is encompassed by the United States District Court for the Western District of Texas, San Antonio, Division.

7. To the extent Plaintiff is asserting a state law cause of action, the City would show that the United States District Court has jurisdiction over said claims pursuant to the Court's supplemental jurisdiction because those claims arise out of and are derived from a common nucleus of operative facts which form the basis of Plaintiff's federal civil claims.

8. Defendant further submits that it will pay all costs and debts incurred in the removal proceeding should the court determine that this action is not removable or is improperly removed.

Respectfully submitted,

Office of the City Attorney
Litigation Division
Frost Bank Tower
100 W. Houston St., 18th Floor
San Antonio, Texas 78205
Phone: (210) 207-8963
Fax: (210) 207-4357
Email: Brad.Bennett@sanantonio.gov

/S/ Brad Bennett

BRAD BENNETT
Assistant City Attorney
SBN: 24061041

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system that will send notification of such filing to the following on June 14, 2019:

James W. Myart Jr.
714 Canton St.
San Antonio, Texas 78202
Plaintiff Pro Se

☒ CMRRR and
Email to: myart.james@yahoo.com

Matthew M. Edwards
EVANS, ROWE AND HOLBROOK P.C.
10101 Reunion Place, Suite 900
San Antonio Texas 78216
*Attorney for Defendants Baptist
Medical and Matthew Stone*

☒ Email to:
medwards@evans-rowe.com

/S/ Brad Bennett
BRAD BENNETT